

E-Filed 4/1/14

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MANSE SULLIVAN,
for Mrs. Walter Mae Smith,

No. C 13-5173 RS (PR)

Plaintiff,

ORDER OF DISMISSAL

v.

PHILIP MORRIS USA, INC, and
ALTIRA GROUP, INC.,

Defendants.

Plaintiff has failed to comply with the Court's order to file an amended complaint. Accordingly, the action is DISMISSED without prejudice for failing to respond to the Court's order, and for failure to prosecute, *see* Fed. R. Civ. P. 41(b). Because this dismissal is without prejudice, plaintiff may move to reopen the action. Any such motion **must** contain an amended complaint that addresses the deficiencies discussed in the order dismissing the complaint with leave to amend. Plaintiff's motion to extend time (Docket No. 4) is DENIED. The Clerk shall terminate Docket No. 4, enter judgment in favor of defendants, and close the file.

IT IS SO ORDERED.

DATED: April 1, 2014


RICHARD SEEBORG
United States District Judge

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